

**MEETING OF THE BOARD OF TRUSTEES  
MARY RILEY STYLES PUBLIC LIBRARY**

Held in the Library Conference Room,  
120 N. Virginia Avenue, Falls Church,  
**July 25, 2006**

**1. CALL TO ORDER**

Mr. Gernand called the meeting to order at 7:35 p.m. The following Board members attended the meeting:

Bradley Gernand	Chester DeLong
Ellen Salisbury	Jeff Peterson
John Lawrence	Donald Camp
Edward Rose	

Also present: Councilman David Chavern, Library Liaison; Cindy Mester, Community Services General Manager, Roy Thorpe, City Attorney, and Mary McMahon, Library Director.

The Chair noted, for the record, that the meeting date had been changed from Monday, July 24, 2006, as reflected in the June 21, 2006 meeting minutes, to Tuesday, July 25, 2006 to accommodate the City Attorney's schedule. It was duly posted at the City Hall and Library bulletin boards, the City and Library websites, and advertised in the *Falls Church News Press* for two weeks prior to the meeting.

The Chair also noted, for the record, that in a letter included in the Board packet that he wrote to the City Attorney, he made reference to a six page letter to Council from Mr. F. Biparva. He wanted it noted that it was an eleven page letter to Council from Mr. Biparva, not six pages.

The Chair then asked to change the order of the agenda to include: the **APPROVAL OF MINUTES OF June 21, 2006 MEETING and the Library Report. A motion was made to accept the minutes of the June 21 meeting as written. It was seconded and passed.**

The Library Director gave the **LIBRARY REPORT**. She reported that the end of fiscal year statistics showed that the Library had enjoyed the busiest year in the history of the library—surpassing last year's record by almost 6,000 more items circulated.

The Director also reported that due to the City Manager's health, Wyatt Shields, the Assistant City Manager, had been appointed Acting City Manager by the Council on Monday, July 24, 2006. He will be in that capacity until such time as Mr. McKeever can resume his position.

The meeting continued according to the agenda.

## 2. RECEIPT OF PETITIONS

The City Attorney, Mr. Thorpe, began by explaining to Mr. Biparva, who was present at the meeting, that his Freedom of Information (FOIA) request contained in the May 22, 2006 letter had been inadvertently overlooked, but that he would address his concerns now since had spoken with the Chief Financial Officer, Mr. John Tuohy, regarding Mr. Biparva's questions. Mr. Thorpe stated that in the City audit report there is nothing specific to the Library, just the categories for it. All of the City divisions are audited, the Library included, and that there are no specific reports issued regarding the Library, and there were no significant findings regarding the Library. Since there were no reports or significant findings in regard to the Library, the Library's expenditures were in compliance. He did not give Mr. Biparva a document, but told him this verbally.

Mr. Biparva also asked for financial reports of the Library Foundation in a FOIA request contained in the May 22, 2006 letter to the City Council. Mr. Thorpe stated that the Library Foundation is a separate organization—a private, not a public one, and therefore, the City would not have a copy of any audits performed on that organization. Again, Mr. Thorpe had no documents pursuant to Mr. Biparva's letter, but told him this verbally.

The City Attorney then began addressing the issue of requests for information under FOIA by Mr. Biparva. Is Mr. Biparva a resident of the Commonwealth of Virginia since it is difficult to tell when a post office box is used as the address? Mr. Thorpe stated that Mr. Biparva says he has a witness to verify that he is a Virginia resident, a passport to verify his address, and a library card from Mary Riley Styles Public Library.

**A motion was made to go into Closed Session. It was seconded and discussion ensued. A vote was taken, six ayes and one nay, Jeff Peterson, who asked that his vote be noted in the minutes.** It passed by a vote of the Library Board, and they went into closed session pursuant to Section 2.2-3711 (A) (7) of the *Code of Virginia* for the “consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.”

The Library Board of Trustees went into Closed Session at 8:00 p.m. to discuss possible litigation issues.

**A motion was made by a Board member, and seconded, to reconvene in open session. It passed unanimously.**

COMING OUT TIME: 8:45 p.m.

### **CERTIFICATION**

**Upon a motion made by a Board member and a second and with an affirmative roll call vote in open session, it was certified that (i) only public business matters lawfully exempted from open meeting requirements and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed session or meeting by the Library Board of Trustees.**

#### **ROLL CALL VOTE:**

Chair, Bradley Gernand: Aye  
Vice Chair, Chester DeLong: Aye  
Donald Camp: Aye  
John Lawrence: Aye

Jeff Peterson: Aye  
Edward Rose: Aye  
Ellen Salisbury: Aye

Two additional questions were asked of the City Attorney. First, what is the minimum amount that can be charged for a Freedom of Information Act (FOIA) request—especially in cases when the requestor has limited financial resources? Answer: There is no minimum amount. A public body may charge nothing, or may charge to recoup the time and supplies used in order to fulfill the request. All charges must be uniformly applied, and Mr. Thorpe recommended that rates be standardized.

The second question was: What constitutes a limited or full public forum if the Conference room were used by groups other than the Library or City agencies? Mr. Thorpe reviewed a number of court cases. He concluded that the Library has the right for a limited forum, but not based on viewpoint or content. Also, could the Library limit it to only non-profit groups from the City? He stated he would need to research this question. He stated that the Falls Church schools make available their meeting space and only limit it to time, place, and manner. The farmer's market is also an example of a limited forum, with produce being allowed, but no political statements allowed.

**A motion was made to remove the word “draft” on the staff response to Mr. Biparva’s May 22, 2006 letter to Council and send it on to the Acting City Manager. The motion was seconded and passed unanimously.**

**A motion was made to continue the agenda to the next meeting on**

**August 15 due to the lateness of the hour. The motion was seconded and passed unanimously. The meeting adjourned at 9:02 p.m.**

4. **SECOND READING OF THE FOLLOWING PROPOSED POLICY:**  
**Meeting Room Policy (revised).** Postponed until the August 15, 2006 meeting due to a lack of time.
5. **PARKING DISCUSSION:**  
Postponed until the August 15, 2006 meeting due to a lack of time.
6. **BOOK SALE MONIES:**  
Postponed until the August 15, 2006 meeting due to a lack of time.
7. **STATE AID FOR FY07:**  
Postponed until the August 15, 2006 meeting due to a lack of time.
8. **LIBRARY REPORT:**  
It was partially given (see above) while waiting for the City Attorney to arrive.
9. **BUSINESS NOT ON THE AGENDA**  
None.
10. **ADJOURNMENT**  
There being no further business, **a motion was made to adjourn at 9:02 p.m. The motion was seconded and passed.**

Respectfully submitted,

Mary W. McMahon  
Library Director

Approved:

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Bradley Gernand, Chair

Copies: Board of Trustees, City Manager, Planning Commission, Library Reference Desk, Staff Bulletin Board, City Clerk, City Council, Historical Commission, Library Web Page, Office of Communications